

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WALLACE JAMES BEAULIEU,

Case. No. 11-cv-2593 (DWF/JFD)

Plaintiff,

v.

**PRETRIAL
SCHEDULING ORDER**

LUCINDA JESSON, DENNIS BENSON,
KEVIN MOSER, TERRY KNIESEL,
BLAKE CAREY, SARA KULAS,
ROBERT ROSE, JANE STINAR, MIKE
ANDERSON, JAY LITTLE,
In their official and personal capacities,

Defendants.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the Court sets the following schedule for these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by this Court's Local Rule 16.3. The Local Rules of this Court are available on the Court's website: <https://www.mnd.uscourts.gov/court-info/local-rules-and-orders>.

Pleadings

JULY 3, 2023 – All motions seeking to amend or supplement the pleadings, including motions to add parties, claims, counterclaims, or defenses, must be served and filed by this date. The motion shall include a copy of the new proposed pleading. In order to show the Court and the opposing party which language is being added to the new pleading and which language is being deleted, the moving party shall attach a redlined version of the pleading showing additions and deletions. Alternatively, the moving party may explain in the memorandum of law which language is being added to the new pleading, and which language is being deleted.

Discovery and Nondispositive Motions

JANUARY 3, 2024 - All discovery of any kind shall be commenced in time to be completed by this date. Disputes with regard to discovery shall be called immediately to the Court's attention by making an appropriate motion. Discovery disputes are not justification for not following this pretrial schedule. The parties are reminded that they must comply with Local Rule 37.1 of the U.S. District Court for the District of Minnesota before bringing any discovery-related motion.

No depositions are permitted in this matter without the Court's advance permission. This limitation is authorized by Federal Rule of Civil Procedure 26, which gives courts authority to limit discovery.

FEBRUARY 1, 2024 – All nondispositive motions (including those that relate to discovery and the discovery period), shall be served on the other party or their attorney, if they are represented by an attorney, and filed with the Court by this date. All nondispositive motions must comply with Local Rules 7.1(a) and (b), and 37.1 of the U.S. District Court for the District of Minnesota. Responses to nondispositive motions shall be served on the other party or their attorney, if they are represented by an attorney, and filed with the Court no later than **14 days** following service of the original motion. All nondispositive motions will be considered on the written pleadings without oral argument, unless the Court sees a specific need for a hearing. If any party fails to respond to a motion, the failure to respond will be treated as a default, and the relief requested in the motion may be granted.

Dispositive Motions and Trial

MARCH 1, 2024 – All dispositive motions shall be filed and served on the other party or their attorney, if they are represented by an attorney, and filed with the Court by this date. All dispositive motions must comply with Local Rule 7.1(c). Responses to dispositive motions shall be filed with the Court and served on the opposing party or their attorney, if they are represented by an attorney, on or before **25 days** following service of the original motion. Replies to dispositive motions shall be served and filed **14 days** following service of the response to the dispositive motion. All dispositive motions will be considered on the written pleadings without oral argument, unless the Court sees a specific need for a hearing. If any party fails to respond to a motion, the failure to respond will be treated as a default, and the relief requested in the motion may be granted.

This case shall be ready for trial as of **JUNE 3, 2024**.

Miscellaneous

Pro se parties that are detained may not register to use the Court's Electronic Court Filing System ("ECF") and must file their documents in paper.¹ Their documents will then be scanned and uploaded to ECF by Clerk of Court's office staff.

If the detained party is represented by counsel, all nondispositive and dispositive motions shall be scheduled, filed, and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1 and 37.1.

If Plaintiff fails to adhere to the deadlines set forth in this Order, the Court will consider recommending dismissal of the claim for failure to prosecute.

Before filing motions, parties are required to meet and confer with each other, in an honest attempt to resolve their dispute without the need for a motion. This can be done by telephone, but it cannot be done by email or letter. The give-and-take of a conversation is essential to a meet and confer that has a good chance of being productive.

All parties must serve their papers on opposing counsel or the opposing party (if they are not represented by an attorney) at the same time as the papers are filed with the Court. If a party fails to serve their papers on opposing counsel or the opposing party, the Court will not consider the contents of the papers filed with the Court.

The date documents are mailed is the date of service and filing.

Any time one side in this case communicates with the Judge or Magistrate Judge, the other party must be copied (if the communication is in writing) or on the phone call (if the communication is by telephone). The Court will not consider communications from a party that the opposing party is not included on. Plaintiff is presently representing himself, he is reminded of the need to obtain and review a copy of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Minnesota. These Rules are available on this Court's website, on the page "Representing Yourself." <https://www.mnd.uscourts.gov/representing-yourself>.

Dated: May 2, 2023

s/ John F. Docherty

JOHN F. DOCHERTY

United States Magistrate Judge

¹ Parties represented by attorneys are governed by Local Rule 5.1 (effective January 31, 2011) and the Electronic Case Filing Procedures for the District of Minnesota.